

Notice of Allowability

Application No.

10/720,143

Examiner

Michael P. Ferguson

Applicant(s)

OLIVER ET AL.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner's amendment 28 September 2005, amendment 09 September 2005.

2. ☒ The allowed claim(s) is/are 28-40, 42-48 and 51-53.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 09/28/05.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 28, 2005, Erdal R. Dervis requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 50-2036 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

DPS In the abstract, in line 1 before "surgical ^{arm} ~~are~~ system" deleted "Disclosed is a" and replaced with --A--.

In the abstract, in line 2 after "a surgical procedure" deleted ". The surgical arm".

In claim 28, in line 3 after "a holding component" deleted "for".

In claim 28, in line 12 after "a plurality of arm segments" deleted "for".

In claim 40, in line 2 after "a mounting component" deleted "on" and replaced with --at--.

In claim 40, in line 3 after "a holding component" deleted "on" and replaced with --at--.

In claim 40, in line 10 after "allow a gas to pass" deleted "there through" and replaced with --therethrough--.

In claim 40, in line 14 after "accommodate a portion of" deleted "a surgical instrument therein, the ball" and replaced with --the surgical instrument therein, the ball-shaped member--.

In claim 40, in line 15 after "contact between the" deleted "ball" and replaced with --ball-shaped member--.

In claim 46, in line 2 after "a first component of" deleted "a" and replaced with --the--.

In claim 46, in line 3 after "second component of the surgical arm system" inserted -- , the quick connect system comprising: --.

In claim 46, in line 4 after "member attached to" deleted "a" and replaced with --the--.

In claim 46, in line 5 after "adapter attached to" deleted "a second component; and" and replaced with --the second component and--.

In claim 46, in line 8 after "components being" deleted "reversibly".

In claim 46, in line 12 before "holding a retaining element" deleted "for".

In claim 46, in line 15 after "instrument therein" inserted -- , --.

Cancel claim 50.

In claim 53, in line 2 after "a first component of" deleted "a" and replaced with --the--.

In claim 53, in line 3 after "a second component of the surgical arm system" deleted " ; " and replaced with -- , the quick connect system comprising: --.

In claim 53, in line 4 after "member attached to" deleted "a" and replaced with

--the--.

In claim 53, in line 4 after "including a substantially" deleted "bell-shaped" and replaced with --ball-shaped member--.

In claim 53, in line 6 after "adapter attached to" deleted "a second component; and" and replaced with --the second component and--.

In claim 53, in line 10 after "actuator from a" deleted "the".

In claim 53, in line 11 after "connect member" deleted " . " .

In claim 53, in line 15 before "holding a retaining element" deleted "for".

2. The following is an examiner's statement of reasons for allowance:

As to claim 40, King et al. (US 6,491,273) disclose the claimed surgical arm system with the exception of comprising a holding component including a ball-shaped member having a substantially spherically shaped outer surface and having an opening defined therein, wherein the opening is sized to accommodate a portion of a surgical instrument therein, the ball-shaped member having a diameter that is compressible to define engaging contact between the ball-shaped member and the surgical instrument and wherein the diameter of the ball-shaped member is movable between first and second positions by supplying and discontinuing a supply of pressurized gas through the first and second arm segments into the ball-shaped member.

As to claim 46, King et al. disclose the claimed surgical arm system with the exception of wherein the retaining element comprises a ball shaped member having a substantially spherically shaped outer surface wherein the diameter of the ball shaped

Art Unit: 3679

member is movable between first and second positions by supplying and discontinuing a supply of pressurized gas into the ball shaped member.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the surgical arm system as disclosed by King et al. to have the above mentioned elemental features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF
09/28/05



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